

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference see form PCT/ISA/220		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US2005/005829	International filing date (day/month/year) 23.02.2005	Priority date (day/month/year) 23.02.2004	
International Patent Classification (IPC) or both national classification and IPC G06F19/00			
Applicant SMITHS MEDICAL MD, INC.			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b(s)(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Authorized Officer
 European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Bykowski, A Telephone No. +31 70 340-4565



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2005/005829

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1-3
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-3
Industrial applicability (IA)	Yes:	Claims	1-3
	No:	Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
PCT/US2005/005829

Re Item V.

1. Reference is made to the following document:
D1 : US 2003/145053 A1 (BODIN WILLIAM KRESS ET AL) 31 July 2003 (2003-07-31)
2. INDEPENDENT CLAIM 2
 - 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 2 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document) a medical device (par. 5) comprising:
 - memory and processor (implicit);
 - said processor being programmed to incorporate the functionality of a web server for communicating with a remote client device (par. 40-42).
3. INDEPENDENT CLAIM 3
 - 3.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 3 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parentheses applying to this document) a server (par. 4, first two lines, fig. 1) comprising:
 - memory and processor (implicit);
 - said processor being programmed to incorporate the functionality of an interface for communicating with a medical device (par. 4, last four lines, fig. 1).
4. CLAIM 1
 - 4.1 Claim 1 comprises all the features of claim 3 and is therefore not appropriately formulated as a claim dependent on the latter (Rule 6.4 PCT). Moreover, it does not meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2))

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and (3) PCT).